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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,866	02/19/2004	Kye-Hyuk Ahn	P-0630	1962

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EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/780,866

Applicant(s)

AHN, KYE-HYUK

Examiner

Erika A. Gary

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: on line 2, the period after "other" should be deleted. Appropriate correction is required.
2. Claim 38 is objected to because of the following informalities: it appears claim 38 should be dependent upon claim 33, not claim 25. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "frequently" in claim 4 is a relative term which renders the claim indefinite. The term "frequently" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

5. Claims 8 and 10-13 recite the limitation "the MS" and "the network". There is insufficient antecedent basis for this limitation in the claim. It appears that the claims should be dependent upon claim 2 to provide antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 15, 25, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Rashid et al., US Patent Application Publication Number 2004/0230661 (hereinafter Rashid).

Regarding claims 1, 15, 25, and 33, Rashid discloses a context synchronization method performed in a radio system having a client and server communicating with each other comprising: performing idle and normal procedures in the client; performing a recovery procedure if an error occurs in performing the idle and normal procedures; and performing a re-attach procedure and an activation procedure according to the error and an error occurring point [paragraph 0076].

8. Claims 1-3, 5-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Lupien et al., US Patent Number 6,463,055 (hereinafter Lupien).

Regarding claims 1, 15, 25, and 33, Lupien discloses a context synchronization method performed in a radio system having a client and server communicating with each other comprising: performing idle and normal procedures in the client; performing a recovery procedure if an error occurs in performing the idle and normal procedures; and performing a re-attach procedure and an activation procedure according to the error and an error occurring point [col. 9: lines 15-37; col. 23: lines 28-30; col. 26: lines 25-44; col. 33: lines 54-56].

Regarding claims 2, 17, 31, and 38, Lupien discloses the client is a mobile station and the server is a network [col. 4: line 66 – col. 7: line 2].

Regarding claims 3, 16, and 32, Lupien discloses the radio system is a general packet radio service (GPRS) system which deals with packet communications [col. 4: line 66 – col. 7: line 2].

Regarding claim 5, Lupien discloses the protocol includes a GPRS mobility management (GMM) protocol and a session management (SM) protocol [col. 9: lines 15-30; col. 11: lines 45-55].

Regarding claims 6, 7, 20, 26, 27, 34, and 35, it is inherent that the error is a GMM failure of a PDP failure.

Regarding claims 8 and 19, Lupien discloses the error occurring point is at the MS or the network [col. 26: lines 25-44].

Regarding claims 9 and 21, Lupien discloses discerning a point where a failure occurs; and transmitting information according to the point where the failure occurs [col. 26: lines 25-44].

Regarding claims 10 and 23, Lupien discloses in transmitting the information, if the failure occurs in the network, the network receives information of the MS by sending a packet paging with an international mobility subscriber identity (IMSI) to the MS so that the received information of the MS is used as information of the network [fig. 10: refs. 167, 168; col. 30: lines 43-45].

Regarding claims 11 and 22, Lupien discloses the information of the MS received by the network is an INFO type context information [col. 25: table 1].

Regarding claims 12, 24, and 29, Lupien discloses in transmitting the information, if the failure occurs in the MS, the MS performs a query procedure and transfers an INFO type context information to the network [col. 26: lines 25-44].

Regarding claim 13, Lupien discloses the MS transfers a query type context information to the network and receives a response from the network [fig. 12].

Regarding claims 14 and 30, Lupien discloses the response is a status information of a previous packet data protocol (PDP) [fig. 12; col. 34: lines 1-4].

Regarding claim 18, Lupien discloses the mobile station registers itself to the network through location update (LUP) or routing area update (RAU) [col. 6: lines 25-30; col. 8: lines 48-50; col. 16: lines 24-28].

Regarding claims 28 and 36, Lupien discloses said information is one of status information or context information stored in the server [col. 11: lines 45-55; col. 26: lines 25-31].

Regarding claim 37, Lupien discloses transmitting a packet paging with an international mobility subscriber identity (IMSI) from the server to the client, said

information including an INFO-type context message transmitted from the client to the server in response to the packet paging [fig. 10: refs. 167, 168; col. 30: lines 43-45; col. 25: table 1].

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hind et al., US Patent Application Publication Number 2005/0037755, disclose a method and apparatus for selecting a communication network.


Hundscheidt et al., US Patent Application Publication Number 2004/0246984, disclose multicast group management in telecommunication networks.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAG
January 16, 2007


ERIKA A. GARY
PRIMARY EXAMINER